



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Sevier River Resource
150 EAST 900 NORTH
RICHFIELD, UTAH 84701



IN REPLY REFER TO

3809
(U-056)

June 25, 1990

Mr. Chanley Christensen
140 North 400 West
Aurora, Utah 84620

RE: UT056-90-4N, Mining Notice

Dear Mr. Christensen:

Your notice to conduct mining related operations on your mining claim, Tomo 4 (UMG 313034) in T. 23 S., R. 1 W., Section 10, SW1/4NW1/4, has been received and accepted by this office. Since the surface disturbance is only located on Tomo 4, your notice is accepted for this mining claim. Your notice has been assigned case file number UT056-90-4N, and you are requested to reference this number in any future correspondence about this notice.

If you change your operations from what is described in your notice, please contact this office prior to the change. If your operations extend for more than one year, please advise this office of the status of your mining related activity on the anniversary date of your notice.

A copy of your notice will be forwarded to the Utah Division of Oil, Gas and Mining (DOGM); thus, you will not have to file this notice with DOGM. However, reclamation under this notice is required to conform to standards of the Utah Mined Land Reclamation Act. Also, all mining claimants and operators that plan to use, store, or divert water are required by Utah statute to notify the Utah Department of Water Resources at:

1636 West North Temple
Salt Lake City, Utah 84180-1203

As required by 43 CFR 3809 Surface Management Regulations, reasonable measures must be taken to prevent unnecessary or undue degradation of public lands during your operations. Please notify this office upon completion of operations so an inspection may be conducted on the site.

Acceptance of your notice will not now, nor in the future, serve as determination of the validity nor ownership of any mining claim included under your notice.

Your mining activity may involve a common variety rather than an uncommon variety deposit. Common varieties have been removed from location under the mining laws (30 USC 611). Other common varieties are mined for manufacturing decorative stone. As required by McClarty v. Secretary of Interior (408 F. 2nd 907, 908--9th Circuit Court, 1969), the test for an uncommon variety is:

- 1) There must be a comparison of the mineral deposit in question to deposits of other such minerals generally.
- 2) The mineral deposit must have a unique property.
- 3) The unique property must give the deposit a distinct and special value.
- 4) If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use.
- 5) The distinct and special value must be reflected by the higher price which the material commands in the marketplace, or by reduced cost or overhead so that the profit to the claimant would be substantially more.

If this deposit is a common variety, then it is a salable rather than locatable deposit. Salable mineral material must be obtained by permit from the BLM, rather than locating a mining claim.

We would like to discuss this issue with you. Please contact Michael Jackson at (801) 896-8221.

Sincerely,


Area Manager

cc:DOGM